

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEGAN D. ERASMUS,

Plaintiff,

v.

RYAN A. DUNLOP, D.M.D., INC.,

Defendant.

Case No. 1: 21-cv-01236-AWI-SAB

ORDER CONTINUING SCHEDULING
CONFERENCE AND DECLINING TO
DISCHARGE ORDER TO SHOW CAUSE

(ECF Nos. 3, 5, 6)

On August 15, 2021, Plaintiff Megan D. Erasmus filed this action pursuant to the Americans with Disabilities Act. (ECF No. 1.) A summons was issued on the same date. (ECF No. 2.) There is currently a mandatory initial scheduling conference set in this action for November 16, 2021, before the undersigned. (ECF No. 3.) On November 3, 2021, the Court ordered Plaintiff to file a status report regarding service and the scheduling conference, within five days from entry of the order. (ECF No. 4.) Plaintiff did not respond to the Court's order in this action, nor filed any proof of service regarding the Defendant.¹ On November 9, 2021, the Court issued an order to show cause why sanctions should not be imposed for the failure to respond to the Court's November 3, 2021 order. (ECF No. 5.)

On November 9, 2021, Plaintiff filed a status report that requests a continuance of the

¹ In response to the Court's similar order issued in another action on the same date, Erasmus v. Chien, Case No. 21-cv-01256-AWI-SAB, Plaintiff's counsel filed waivers of service, but failed to file a status report requesting a continuance of the scheduling conference, despite the need to do so.

scheduling conference due to continuing efforts to effectuate service. (ECF No. 6.) The filing only references the November 3, 2021 order. (Id.) Plaintiff did not provide any substantive response to the Court's November 9, 2021 order. The November 9, 2021 order specifically required Plaintiff to show cause why sanctions should not be imposed for the "failure to comply with the November 3, 2021 order," and Plaintiff provided no reasons for such failure. (ECF Nos. 5 at 2; 6 at 2.) Accordingly, the Court shall continue the scheduling conference due to the status of service, however, **because Plaintiff has not responded to the order to show cause, the Court will not discharge the order to show cause. Plaintiff is reminded that the failure to show cause may result in the imposition of sanctions, including the dismissal of this action.**

Accordingly, IT IS HEREBY ORDERED that:

1. The scheduling conference currently set for November 16, 2021, is CONTINUED to **January 6, 2022, at 11:00 a.m.**
2. The parties shall file a joint scheduling report seven (7) days prior to the scheduling conference; and
3. Plaintiff shall respond to the November 9, 2021 order to show cause by the originally set deadline of November 12, 2021.

IT IS SO ORDERED.

Dated: **November 10, 2021**


UNITED STATES MAGISTRATE JUDGE